

Attorney Docket No. RSW920000152US1 (5577-312)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jay Aiken

Serial No.: 09/824,639

Filed: April 3, 2001

For: AUTOMATIC AFFINITY WITHIN NETWORKS PERFORMING WORKLOAD
BALANCING

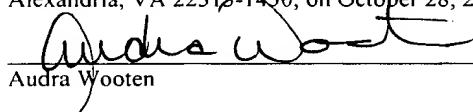
Confirmation No.: 1361

Examiner: Aaron Perez Daple

Group Art Unit: 2154

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 28, 2004.


Audra Wooten

October 28, 2004

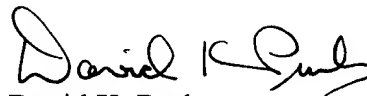
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. The Examiner is authorized to charge Deposit Account No. 09-0461 in the amount of \$110.00 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer and for any additional fee which may be required or to credit any overpayment.

Respectfully submitted,



David K. Purks

Registration No. 40,133

USPTO Customer No. 46589
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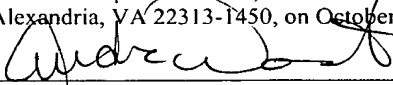
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Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Sir:

I, David K. Purks, am an attorney of record of the owner and disclaimant,
International Business Machines Corporation and am authorized to execute this Terminal
Disclaimer on behalf thereof. International Business Machines Corporation is the owner of
all right, title, and interest in the above-identified application as evidenced by an Assignment
recorded on April 3, 2001, at Reel 011702, Frame 0332.

The owner, International Business Machines Corporation of the instant application
hereby disclaims, except as provided below, the terminal part of the statutory term of any
patent granted on the instant application which would extend beyond the expiration date of
the full statutory term of any patent granted on pending U.S. Patent Application Serial
Number 09/825,071, filed on April 3, 2001, as such term is defined in 35 U.S.C. §§154 –
156, §173, and any other relevant statutory provision, and as the term of any patent granted
on U.S. Patent Application Serial Number 09/825,071 may be shortened by any terminal
disclaimer filed prior to the grant of any patent on the pending U.S. Patent Application Serial
Number 09/825,071. The owner hereby agrees that any patent so granted on the instant

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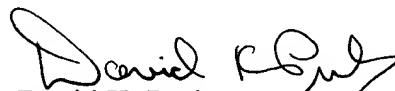
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In re: Jay Aiken
Serial No.: 09/825,071
Filed: April 3, 2001

application shall be enforceable only for and during such period that it and any patent granted on U.S. Patent Application Serial Number 09/825,071 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in U.S.C. §§154 – 156, §173, and any other relevant statutory provision, of any patent granted on U.S. Patent Application Serial Number 09/825,071 as the term of any patent granted on U.S. Patent Application Serial Number 09/825,071 may be shortened by any terminal disclaimer filed prior to the grant of any patent on U.S. Patent Application Serial Number 09/825,071, in the event that any such patent granted on pending U.S. Patent Application Serial Number 09/825,071: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Respectfully submitted,


David K. Purks
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